

# Singapore

	2014	2015		
<b>Internet Freedom Status</b>	<b>Partly Free</b>	<b>Partly Free</b>	<b>Population:</b>	<b>5.5 million</b>
Obstacles to Access (0-25)	6	6	<b>Internet Penetration 2014:</b>	<b>82 percent</b>
Limits on Content (0-35)	14	14	<b>Social Media/ICT Apps Blocked:</b>	<b>No</b>
Violations of User Rights (0-40)	20	21	<b>Political/Social Content Blocked:</b>	<b>No</b>
<b>TOTAL* (0-100)</b>	<b>40</b>	<b>41</b>	<b>Bloggers/ICT Users Arrested:</b>	<b>Yes</b>
			<b>Press Freedom 2015 Status:</b>	<b>Not Free</b>

\* 0=most free, 100=least free

## Key Developments: June 2014 – May 2015

- A political website was ordered to be shut down in the first ever use of the government's 19-year-old licensing powers (see **Content Removal**).
- A new anti-harassment law, ostensibly introduced to protect ordinary citizens, was wielded against critics of the government (see **Prosecutions and Detentions for Online Activities**).
- Three individuals were charged under the Sedition Act for postings allegedly promoting ill-will between Singaporeans and immigrants (see **Prosecutions and Detentions for Online Activities**).
- The prime minister sued an activist blogger, the first time a government leader has taken an individual to court for defamation over a blog post (see **Prosecutions and Detentions for Online Activities**).
- A prominent blogger was fined SGD\$8,000 (US\$5,800) for contempt of court (see **Prosecutions and Detentions for Online Activities**).
- A teenager was found guilty of penal code violations over an online tirade against the late Premier Lee Kuan Yew (see **Prosecutions and Detentions for Online Activities**).

## Introduction

Singapore entered its 21<sup>st</sup> year of public internet access in 2015. Digital connectivity has grown quickly, with the People's Action Party (PAP) government embracing the internet as essential infrastructure for economic development. However, it remains wary of the technology's potential for liberalizing political debate and enhancing democratic participation.

The government acknowledged that Singapore's political culture became more disputatious after the 2011 general election. While it responded swiftly to address public grievances over various social and economic policies, it has not opened up space for dissenting views. It appears determined to contain public debate within what it considers to be acceptable boundaries.

Indeed, during preparations for the elections in late 2015, the government showed heightened sensitivity toward online dissent, resulting in a series of unprecedented actions during the coverage period. It ordered the shutdown of a highly critical political website, marking the first time that a site's license has been suspended. A new anti-harassment law, originally touted as a means of protecting ordinary citizens from cyber stalking and other social ills, was almost immediately wielded by the government itself against its critics. Another first was the prime minister's defamation suit against an activist blogger.

The website shutdown and the charging of three individuals under the Sedition Act were all associated with expression that the authorities claimed could inflame relations between locals and immigrants. The interventions were symptomatic of the government's struggle to manage the highly charged debate over its unpopular immigration policies. The debate has been most vociferous online.

The government's restrictions on online debate have not been severe enough to neutralize the internet's importance as a space for alternative and more authentic voices. Antigovernment views are routine in comment spaces, forums, and social media.

However, the government may succeed in slowing down the growth of independent news sites and in discouraging more organized activism. Since 2013, the government has used registration and fundraising regulations to stymie the emergence of professionally-run, independent online news organizations with the capacity for original daily reporting and regular investigative journalism – of which none exist in Singapore.

Although there was much international speculation over whether the death of founding Prime Minister Lee Kuan Yew in March 2015 would usher in more political openness, there is no sign that this will be the case. On the contrary, the outpouring of sentiment over Lee's passing may have solidified Singapore's conservative base, strengthening the hand of hardliners who argue that Singaporeans value good governance more than civil liberties.

## Obstacles to Access

*As a wealthy and compact city-state, Singapore has highly developed information and communication technology (ICT) infrastructure. Its Intelligent Nation 2015 master plan for an ultra-high-speed, pervasive network achieved the target of 90 percent home broadband penetration. A new government program launched in September 2014 offers affordable broadband packages to low-income households. In*

*addition, the national wireless network offers free public access. In late 2014, the government launched a high-level Smart Nation program that will include education and training to boost Singaporeans' skills in developing digital technologies and applications.*

## Availability and Ease of Access

Eighty-two percent of households had internet access in 2014, while mobile phone subscriptions outnumbered residents by 58 percent.<sup>1</sup> The fiber-based Next Generation Nationwide Broadband Network (Next Gen NBN) reached 95 percent of homes and businesses by July 2013.<sup>2</sup> Home owners are offered free installation for the first 15 meters of fiber running into their homes. In addition, the national wireless network offers free public access.

Singapore's Intelligent Nation 2015 master plan, its sixth consecutive masterplan for the sector, achieved the target of rolling out broadband connections to 90 percent of homes; smartphone penetration has reached 85 percent.<sup>3</sup> In November 2014, the government launched its next major thrust, called Smart Nation, to integrate technologies more seamlessly and improve Singaporeans' skills in not just using but also creating new technologies. A Smart Nation Programme Office has been set up under the Prime Minister's Office, to take a "whole-of-Government, whole-of-nation approach."<sup>4</sup>

The digital divide cuts mainly along generational lines. While close to 100 percent of residents aged 7 to 34 reported in 2012 that they had used the internet in the past year, the percentage was 51 percent for those in their 50s and 16 percent for those 60 and older.<sup>5</sup> In September 2014, the government launched a Home Access program under its SGD 8 million (US\$5.7 million) Digital Inclusion Fund, to make internet connectivity more accessible and affordable to lower-income Singaporeans. Eligible households are provided home internet access and phone services with a broadband package at SGD 6 (US\$ 4.30) per month for 48 months. This includes fiber connectivity and a basic device such as a tablet.<sup>6</sup>

## Restrictions on Connectivity

No known restrictions have been placed on ICT connectivity or access to social media or communication apps, either permanently or during specific events. The Singapore Internet Exchange (SGIX), a not-for-profit established by the IDA in 2009, provides an open, neutral and self-regulated central point for service providers to exchange traffic with one another directly instead of routing through international carriers, thus improving latency and increasing resiliency when there are cable outages on the international network.<sup>7</sup>

Singapore has adopted a National Broadband Network (NBN) structure, with the network built and operated by an entity that supplies telecommunications services on a wholesale-only, open-access

1 International Telecommunication Union, "Percentage of Individuals Using the Internet," 2000-2014, <http://bit.ly/1cblxxY>.

2 Infocomm Development Authority of Singapore (IDA), "Fact Sheet," July 2013, <http://bit.ly/1Lk3Cr>.

3 IDA, "Transcript of Prime Minister Lee Hsien Loong at Smart Nation Launch, 24 November 2014," November 24, 2015, <http://bit.ly/1v88lB2>.

4 IDA, "Transcript of Prime Minister Lee Hsien Loong."

5 IDA, "Infocomm Usage – Households and Individuals," <http://bit.ly/1hrhTUO>.

6 IDA, "Home Access," <http://bit.ly/1VErf2p>.

7 Singapore Internet Exchange, "About SGIX," <http://www.sgix.sg/>.

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and non-discriminatory basis to all telecommunications carriers and service providers.<sup>8</sup> To develop Singapore's all-fiber Next Generation NBN, a structurally separated network company has responsibility for the passive infrastructure, including the optical fiber. An operationally separate operating company is responsible for the active infrastructure, including routers, switches and access network equipment. These are in turn supposed to be separate from the retail service providers downstream, to avoid conflicts of interest. However, OpenNet, the builder-operator of the passive infrastructure, is currently controlled by a unit of government-linked Singapore Telecom (SingTel). Due to other players' concerns that the acquisition was anticompetitive, regulators required that SingTel sell off 75 percent of its stake in that unit by April 2018.<sup>9</sup>

## ICT Market

The dominant internet access providers are also the mobile telephony providers: SingTel, Starhub, and M1. SingTel, formerly a state telecom monopoly and now majority owned by the government's investment arm, has a controlling stake in Starhub. The market is open to independent entrants. One of them, MyRepublic, rolled out a lower-cost 1 Gbps broadband service in early 2014 and announced its intention to bid for a 4G license that would make it the country's fourth telco.<sup>10</sup> In March 2015, another newer player, ViewQwest, launched a 2 Gbps fiber-optic broadband service for households, offering what was touted to be among the world's fastest home broadband plans.<sup>11</sup>

## Regulatory Bodies

The internet infrastructure is regulated by the Infocomm Development Authority (IDA). As a statutory body of the Ministry of Communications and Information (MCI), it takes instruction from the cabinet. In planning the all-fiber Next Gen NBN, the IDA has promised a competitive industry structure that would avoid conflicts of interest and allow retail service providers that offer services to end-users to purchase bandwidth connectivity at nondiscriminatory and nonexclusive prices.

## Limits on Content

*The government has kept a 1996 promise not to block or filter any political content.<sup>12</sup> However, in May 2015, it took the unprecedented step of ordering a political website to shut down, on the grounds that it had violated the Internet Code of Practice. A licensing system introduced in 2013 has been used to limit the growth of independent online news start-ups by restricting their funding options. Also in operation are powers to issue takedown orders to large commercial online news media. Despite these limits, the internet remains significantly more open than print or broadcasting as a medium for news and*

8 IDA, "Building Singapore's Next Generation Nationwide Broadband Network," 2015, <http://bit.ly/1LlvOnl>.

9 Tan Weizhen, "IDA approves OpenNet sale to CityNet, but with conditions," *Today*, November 21, 2013, <http://bit.ly/1Om9Zcw>.

10 "MyRepublic to become Singapore's fourth mobile operator," *Telecompaper*, July 10, 2014, <http://www.telecompaper.com/news/myrepublic-to-become-singapores-fourth-mobile-operator--1024757>.

11 PR Newswire, "ViewQwest's 2Gbps Fiber Broadband Now Commercially Available in Singapore, First in the World Outside of Japan," press release, *Telegraph India*, March 16, 2015, [http://www.telegraphindia.com/pressrelease/prnw/en55700.html#.Vhaal\\_n4\\_Z4](http://www.telegraphindia.com/pressrelease/prnw/en55700.html#.Vhaal_n4_Z4).

12 In a now-defunct web page titled "Myths and Facts about MDA and the Internet", the Media Development Authority stated: "Fact: MDA does not stop religious and political bodies from putting up web sites." Cited in Cherian George, *Contentious Journalism and the Internet*, (Singapore: National University of Singapore Press, 2006), 73; Yip Yee Hui Josephine, "Internet Regulation – A Myth in Singapore?" *The Singapore Law Review*, (November 30, 2013), <http://bit.ly/1Q8rHiy>.

*political discourse, which flow online largely unhindered. Restraints in online discourse are mainly due to fear of post-publication punitive action—especially through strict laws on defamation, racial and religious insult, and contempt of court (see Legal Environment).*

## Blocking and Filtering

The Broadcasting Act has included explicit internet regulations since 1996. Internet content providers and internet service providers (ISPs) are licensed as a class and must comply with the act's Class License Conditions and the Internet Code of Practice. Under this regime, ISPs are required to take "all reasonable steps" to filter any content that the Media Development Authority (MDA) deems "undesirable, harmful or obscene."<sup>13</sup>

As a matter of policy, the MDA blocks only a list of 100 websites, for the purpose of signposting societal values. This floating list has never been made public, but no political site has been blocked. Other than a few overseas sites run by religious extremists, the list is known to comprise pornographic sites.<sup>14</sup> Outside of this list, the Canada-based extramarital dating website, Ashley Madison, has been blocked since 2013, after it announced its plan to launch in Singapore.<sup>15</sup> No other site was subsequently singled out for similarly targeted blocking. The use of regulation to signpost social values has been linked to the influence of religious conservatives (mainly evangelical Christians) asserting themselves more in public morality debates.<sup>16</sup>

Like the IDA, the MDA is a statutory MCI body and answers to the cabinet. The Broadcasting Act empowers the MCI minister to prohibit disclosure of any directions to censor content.<sup>17</sup> This—together with the fact that most ISPs and large online media companies are close to the government—results in a lack of transparency and public accountability surrounding online content regulation.

## Content Removal

In May 2015, the MDA declared that *The Real Singapore* (TRS) website had violated the Internet Code of Practice,<sup>18</sup> and that its Class License was therefore suspended.<sup>19</sup> Its owners were required to disable access to the website. They have apparently complied: visitors to the site now see the message, "The Real Singapore has been ordered to disable access to all our online services by the Media Development Authority (MDA) of Singapore." This was the first time since the Class License system was introduced in 1996 that such action has been taken. A local network of digital freedom activists, FreeMyInternet, criticized the MDA's action as "arbitrary and unsubstantiated," and indicative of "disproportionate power vested in a statutory board, and unclear guidelines on actions to be taken against objectionable content."<sup>20</sup>

13 Conditions of Class License, Section 2A (2), Broadcasting (Class License) Notification under the Broadcasting Act (Chapter 28) Section 9, last revised May 29, 2013, <http://bit.ly/1LlwOrw>.

14 Media Development Authority Singapore, "Internet," accessed July 9, 2014, <http://bit.ly/1Ruf15v>.

15 Ministry of Communications and Information Press Room, "MCI's response to PQ on the Ashley Madison website," November 11, 2013, <http://bit.ly/1GwFJfh>.

16 Terence Chong, "Christian Evangelicals and Public Morality in Singapore," *ISEAS Perspective* 17 (2014): 1-11.

17 Broadcasting Act (Chapter 28) Section 3(5).

18 The Real Singapore, <http://www.therealsingapore.com>.

19 Media Development Authority Singapore, "\$82 million in RTV License Fee Refunds Completed Ahead of Time," news release, April 26, 2011, <http://bit.ly/1Zdmlsz>.

20 "FreeMyInternet calls on MDA to cease action on TRS, come clean on censorship rules," *The Online Citizen*, May 4, 2015, <http://bit.ly/1VEwD2>.

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The MDA said that the *TRS* had “published prohibited material as defined by the Code to be objectionable on the grounds of public interest, public order and national harmony.” It did not specify what content had crossed the line, but said that several articles had “sought to incite anti-foreigner sentiments in Singapore.” Some articles were “deliberately fabricated” and “falsely attributed.” It said that *TRS*, previously run from outside of the country, came within the jurisdiction of the Broadcasting Act in December 2014, when two of the editors arrived in Singapore. The editors were given six hours to disable access to its site, and seven days to present arguments as to why their class license should not be cancelled. The two editors were also charged with sedition (see Prosecutions and Detentions for Online Activities).

The information minister said that this was only the 27th intervention against online content since 1996, and the first time a site had been shut down.<sup>21</sup> Previous cases apparently involved takedown notices for specific content. These are not made public. However, in 2013, the minister informed parliament that most takedowns were for pornographic content or solicitation; others were related to gambling or drugs. He told parliament that the MDA had never directed websites to take down content “just because it is critical of the Government.”<sup>22</sup>

A separate notice-and-takedown framework exists for large online news sites. Introduced in June 2013, it removes the identified sites from the class license and subjects them to individual licensing, under which they are required to comply with any takedown notice within 24 hours. The sites are required to put up a “performance bond” of SGD 50,000 (US\$35,600) as an incentive to exercise best efforts.<sup>23</sup> The bond is in line with the requirement for television niche broadcasters.<sup>24</sup>

Ten news sites were on the initial list to be licensed under the new framework. Nine are run by Singapore Press Holdings or MediaCorp—which, as newspaper and broadcasting companies, are already subject to discretionary individual licensing and traditionally cooperate with the government. The new regulation was probably prompted by Yahoo Singapore’s news site, the only one of the ten not belonging to national mainstream media. However, although occasionally slightly bolder in its political coverage, neither it nor the other nine sites were likely to disobey a takedown request even without the new regulations. After it was licensed, Yahoo’s reporters were granted the official accreditation that they had sought for several years.

Although the government said the operations of the licensed sites would be virtually unaffected, the new framework raised concerns about the transparency and independence of regulation. The new licensing framework was made public through a press release three days before it was implemented.<sup>25</sup> Formally, the framework covers sites reporting an average of one article on Singapore’s news and current affairs per week over a continuous two-month period, and receiving visits from a monthly average of 50,000 unique IP addresses from Singapore over those two months. However, bloggers and other observers said that the criteria were unclear and inconsistently applied. The government’s assurances that commentary-driven blogs would not be subject to the new framework were not

21 Chan Luo Er, “MDA was right to shut down The Real Singapore: Yaacob Ibrahim,” *Channel News Asia*, August 22, 2015, <http://bit.ly/1Q8tNiw>.

22 Ministry of Communications and Information, “MCI’s response to PQs on Licensing Framework for online news sites,” July 8, 2013, <http://bit.ly/1MfdbGz>.

23 Broadcasting (Class License) Notification under the Broadcasting Act (Chapter 28) Section 9, revised May 29, 2013, G.N. No. S330/2013.

24 Media Development Authority Singapore, “Fact Sheet – Online news sites to be placed on a more consistent licensing framework as traditional news platforms,” news release, May 28, 2013, <http://bit.ly/1L74oCd>.

25 Tessa Wong, “New MDA licensing scheme for new websites,” *AsiaOne*, May 28, 2013, <http://bit.ly/1Q8uaJL>.

written into the regulations and only deepened unease about their arbitrary application.<sup>26</sup> In July 2015, outside the coverage period of this report, two independent sites, *Mothership.sg* and *Middle Ground*, were subject to the same framework.

Several bloggers have publicly acknowledged removing critical content under threat of criminal prosecution or defamation suits (see Prosecutions and Detentions for Online Activities), while others are widely believed to do the same behind the scenes.

## Media, Diversity, and Content Manipulation

Singapore's highly targeted regulations have an impact on the diversity of its online landscape, both within the mainstream media sector as well as alternative media and blogs. The biggest online news players, in terms of resources and viewership, are the internet platforms of the mainstream newspaper and broadcast outlets of Singapore Press Holdings (SPH) and MediaCorp. They are subjected to the new notice-and-takedown framework, but the main avenue of control is the routine self-censorship that also afflicts their parent news organizations. MediaCorp is 80 percent government-owned, with SPH holding the remaining 20 percent. SPH is a listed company, but through the Newspaper and Printing Presses Act, the government can nominate individuals to its board of directors. Since the 1980s, every SPH chairman has been a former cabinet minister. The government is known to have a say in the appointment of chief executives and chief editors. It also wields significant powers of patronage. Compared with authoritarian regimes that are more fractured and offer alternative sources of elite support, power and influence in Singapore are unusually centralized within the PAP's top echelons.

For all these reasons, news websites run by mainstream media tend not to deviate significantly from the official line on controversial political issues, even in their opinion columns. While self-censorship is inherently difficult to monitor, bloggers have found evidence that mainstream news websites edited potentially contentious articles. In 2015, the SPH-owned national daily *Straits Times* deleted an online report quoting a cabinet minister, apparently because his comments were backfiring on the government.<sup>27</sup> MediaCorp's Channel NewsAsia online portal deleted a report on a public forum after a junior minister's answer to a question about national servicemen's pay proved controversial.<sup>28</sup> What was striking about these two cases is that they went beyond the expected downplaying of dissenting views, and involved manipulation of factual news reports on officials' own public statements. This may be indicative of the extreme sensitivity to potential controversies in the run-up to the late 2015 election.

Given the constraints that mainstream media work under, independent online media add significantly to the diversity of content. However, most socio-political blogs generate negligible revenue and therefore lack the manpower to generate original reporting and commentary on a daily basis. Efforts to professionalize citizen media have been hamstrung by government regulations introduced in 2013, which targeted smaller start-ups with ambitions to go commercial. On a case by case basis, publishers are required to sign an undertaking not to receive funds from foreign sources other than

26 Choo Zheng Xi, "MDA's licensing regime: why YOU should care," *The Online Citizen*, May 30, 2013, <http://bit.ly/1GwGkqs>; Choo Zheng Xi, "MDA's belated 'assurances': Don't let your guard down," *The Online Citizen*, May 31, 2013, <http://bit.ly/1JTj32f>.

27 Belmont Lay and Jonathan Lim, "The Straits Times censors Minister Chan Chun Sing's 'tikam' & 'enjoy a windfall' quotes about Pinnacle@Duxton," *Mothership*, February 26, 2015, <http://bit.ly/1BXJnKB>.

28 Belmont Lay, "Channel News Asia secretly deletes article after Senior Minister of State Josephine Toe skewered online for NSmen comments," *Mothership*, March 4, 2015, <http://bit.ly/1AHfVBX>.



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commercial advertising and subscription revenue. In addition, each has had to submit to the MDA detailed personal information about its owner, editorial team, and source of funds, including the names and national identity card numbers of individual funders.<sup>29</sup> These conditions were applied to three sites in 2013 and early 2014; as a result, one voluntarily closed down. In September 2014, the conditions were once again applied to a new company, The Opinion Collaborative, which was set up to run the leading independent site, *The Online Citizen*. The company complied with the request.

Although a registration system for political and religious sites had been in place since the 1990s, the earlier version did not impose any restrictions on their operations. The revised registration process, with its ban on foreign funding, appears designed to close off the possibility of any Singaporean site replicating the formula of independent news website *Malaysiakini* across the border in Malaysia. *Malaysiakini* had received startup grants and loans from overseas before becoming commercially viable. The websites that the government targeted with its new registration rules were not the most radical in Singapore's cyberspace, but stood out for wanting to place citizen journalism on a financially sustainable footing.

While the government may have succeeded in inhibiting the growth of more professional and organized online journalism, the more informal sector remains vibrant. YouTube, Facebook, Twitter, and international blog-hosting services are freely available, and most bloggers are able to operate openly. In addition to sites devoted to politics and current affairs, there are several NGO sites contributing to debates within their respective spheres, such as TWC2 (promoting migrant worker rights) and Transitioning (opposing the PAP's immigration policies).<sup>30</sup>

All major opposition parties are active online. Social media discourse remains disproportionately critical of the government. Since the 2011 election, individual ministers and government agencies have ramped up and professionalized their social media capacity. Major government campaigns regularly and openly commission bloggers and creative professionals who are not ideologically opposed to such relationships. There is no evidence of large scale deployment of cyber troops. However, PAP supporters appear to be shedding some of their former reticence and, encouraged by their leaders' example, are expressing themselves more, especially on Facebook. The government's efforts to increase its internet presence through websites like Factually<sup>31</sup> and FiveStarsAndAMoon<sup>32</sup> have at most narrowed the gap with its critics. It has not been able to extend its unfair offline advantage into the online space.

## Digital Activism

The internet is regularly used for popular mobilization, the success of which is constrained less by online regulation than by offline restrictions on fundraising and public assembly.

Online activism played a role in voicing public discontent over the government's pension system, the Central Provident Fund (CPF). Activists who believe that the CPF lacked transparency and flexibility held a series of "Return Our CPF" protests at Hong Lim Park. The protest numbers appeared to have

29 "The Independent explains time lag," *The Independent*, November 28, 2013, <http://theindependent.sg/independent-explains-time-lag/>.

30 Transient Workers Count Too, accessed July 9, 2014, <http://twc2.org.sg>; Transitioning, accessed May 1, 2015, <http://www.transitioning.org>.

31 Government of Singapore, "Factually," <http://www.gov.sg/factually>.

32 *Five Stars and A Moon*, homepage for magazine, <http://www.fivestarsandamoon.com/>.



been buoyed by the controversy over the Prime Minister's defamation suit against activist-blogger Roy Ngerng, who was one of the central figures in the protest movement (see Prosecutions and Detentions for Online Activities).<sup>33</sup> Addressing public disquiet, the government moved to make CPF withdrawal rules more flexible. However, the government did not provide the level of transparency that critics had demanded.<sup>34</sup>

Another online campaign centered upon a controversial relationship workshop for junior college students run by Focus on the Family Singapore, a Christian group. A junior college student publicized the workshop and its contents on Facebook, and the post eventually went viral, with many questioning the gender stereotypes in the workshop's content. The junior college eventually did not renew the workshop for its students.<sup>35</sup>

Online activism was a major feature in the ongoing debate over LGBTI rights. The LGBTI community's annual Pink Dot gathering on June 28, 2014 drew a record 26,000 participants, largely mobilized online.<sup>36</sup> The event also attracted a counter-campaign by different religious groups. A group of Muslims launched an online campaign to wear white to protest the LGBTI movement's perceived threat to family values. They also took offense to Pink Dot being held on the first day of the holy month of Ramadan.<sup>37</sup> The largest Wear White gathering comprised 6,000 worshippers at the Faith Community Baptist Church.<sup>38</sup>

## Violations of User Rights

*While citizens remain free from major human rights abuses and enjoy high levels of personal security in Singapore, the government places a premium on order and stability at the expense of civil liberties and political opposition. During the coverage period, the prime minister won a defamation lawsuit against a blogger, while another blogger was convicted on a contempt of court charge. A teenager who posted a political tirade was convicted for obscenity and for wounding religious feelings. Three individuals were charged under the Sedition Act. A website and a blogger were charged under the new anti-harassment law. The authorities are believed to exercise broad legal powers to obtain personal data for surveillance purposes in national security investigations.*

## Legal Environment

The republic's constitution enshrines freedom of expression, but also allows parliament wide leeway to impose limits on that freedom.<sup>39</sup> As the ruling party has consistently controlled more than 90 percent of seats in the legislature, laws passed tend to be short on checks and balances. The Newspaper

33 Yi Shu Ng, "Blogger Roy Ngerng's 'Return Our CPF' rally draws large crowds," *Mothership*, June 8, 2014, <http://bit.ly/1q8Uw1O>; Nurul Azliah Aripin, "Organisers claim #ReturnOurCPF protest drew 6K despite initial drizzle, blazing sun," *Yahoo!*, June 7, 2014, <http://bit.ly/1Q8wfFJ>.

34 Lydia Lim, "CPF proposals: Tightrope on numbers, sentiments," *The Strait Times*, February 5, 2015, <http://bit.ly/1OmeLGP>.

35 Azim Azman, "HWA Chong Student's Post Over 'Sexist' Relationship Workshop Goes Viral," *The New Paper*, October 8, 2014, <http://bit.ly/1RuiaTU>; Joy Fang, "Ministries, HCI studying feedback on Focus on the Family Singapore workshop," *Today*, October 8, 2014, <http://bit.ly/1JTmCFu>.

36 Kok Xing Hui, "Pink Dot goes off without a hitch," *Today*, June 28, 2014, <http://bit.ly/1MfhSQO>.

37 Ng Yi Shu, "A Group of Muslims Have Organised a 'Wear White' Movement to Protest against S'pore's LGBT Movement," *Mothership* June 19, 2014, <http://bit.ly/1FXsXoi>.

38 "Thousands of Singaporean Christians wear white to protest Pink Dot gay rally," *Yahoo!*, June 29, 2014, <http://bit.ly/1nW32ye>.

39 Constitution of the Republic of Singapore, Section 14.

and Printing Presses Act and the Broadcasting Act, which also covers the internet, grant sweeping powers to ministers, as well as significant scope for the administrative branch to fill in the details through vaguely articulated subsidiary regulations, such as the website licensing and registration rules described earlier in this report (see Limits on Content). Other laws that have been used against online communication, such as the Sedition Act and Political Donations Act, are open to broad interpretation by the authorities.

The Sedition Act, dating from colonial times, makes it an offense “to bring into hatred or contempt or to excite disaffection against the Government” or “to promote feelings of ill-will and hostility between different races or classes of the population of Singapore,” among other things.<sup>40</sup> Punishments for first-time offenders could include a jail term of up to three years. Newer provisions in the penal code (Section 298) provide for jail terms of up to three years for offenders who act through any medium with the “deliberate intention of wounding the religious or racial feelings of any person.”<sup>41</sup> Singapore’s first cases of imprisonment for online speech were under the Sedition Act in 2005, over postings insulting Muslims.<sup>42</sup> This was also the first prosecution under the Sedition Act since independence in 1965. One of the side effects of Singaporeans’ participation in social media, bypassing experienced mainstream media gatekeepers, is that members of the public now have more opportunities to give and take racial or religious offense through content posted online. Police investigations into complaints of insult and offense appear to be a regular occurrence. In most known cases, police intervention at an early stage has been enough to elicit apologies that satisfy those who feel targeted by offending expression. Occasionally, however, charges are brought against the offenders.

Defamation is criminalized in the penal code, but to date, no charges have been brought under this law to punish online speech.<sup>43</sup> Civil defamation law is fearsome enough. PAP leaders have been awarded damages in the range of SGD 100,000 to 300,000 each (US\$71,000 to US\$213,000) in defamation suits brought against opposition politicians and foreign media corporations.<sup>44</sup> Electronic media have been affected: in 2002, a libel suit was leveled at Bloomberg for an online column; it settled out of court and paid three leaders damages totaling SGD 595,000 (US\$422,000). The government has not heeded recommendations by international human rights groups to introduce caps on compensation for nonmaterial harm to reputation.<sup>45</sup> There has also been no move to modernize Singapore’s plaintiff-friendly defamation law in line with recent developments in British and other Commonwealth jurisdictions, which have sought to safeguard legitimate political debate in the broader public interest. Similarly, the offense of scandalizing the judiciary has been used in Singapore to punish criticism of the court that in most democracies would be considered to fall within the norms of political debate. In 2008, a blogger was sentenced to three months in prison for this offense.<sup>46</sup>

In April 2014, a new Protection from Harassment Act came into force.<sup>47</sup> It was touted by the govern-

40 Sedition Act (Chapter 290) Section 3.

41 Penal Code (Chapter 224), Section 298.

42 Jaclyn Ling-Chien Neo, “Seditious in Singapore! Free speech and the offence of promoting ill-will and hostility between different racial groups,” *Singapore Journal of Legal Studies* (2011): 351-372, <http://law.nus.edu.sg/sjls/articles/SJLS-Dec11-351.pdf>.

43 Penal Code (Chapter 224), Sections 499-500.

44 Michael Palmer, “Damages in Defamation: What is Considered and What is Awarded?” *Law Gazette*, May 2005, <http://bit.ly/1Q8zvRA>.

45 Article 19, *Freedom of Expression and the Media*, 2005, <http://bit.ly/1Noax2W>; Human Rights Watch, “Singapore: End Efforts to Silence Opposition,” October 17, 2008, <http://bit.ly/1VFuzox>.

46 Committee to Protect Journalists, “Blogger sentenced to three months in jail; newspaper faces possible contempt charge for criticizing judiciary,” *International Freedom of Expression Exchange*, September 22, 2008, <http://bit.ly/1hrm0QP>.

47 The Statutes of the Republic of Singapore, Protection from Harassment Act (Chapter 256a), 2014, <http://bit.ly/1Mf0Y0m>.

ment as a way to protect citizens from cyberstalking, bullying and other troubling social trends. Under the law, a person who uses “threatening, abusive or insulting” expression likely to cause “harassment, alarm or distress” can be fined up to SGD5,000 (US\$3,500). If done intentionally to cause harm, the offender can also be imprisoned for up to six months. If it includes a threat of violence, the jail term can be raised to 12 months. A separate provision in the Act protects public servants and public service workers from “indecent, threatening, abusive or insulting” expression when carrying out their work. An offender is liable for a fine of up to SGD 5,000 and up to 12 months in jail. Similar penalties are provided for stalking – which would cover, for example, repeated suggestive e-mails that would be reasonably known to cause harassment, alarm or distress. For all these provisions other than the one covering public officers, the victim can seek damages through civil proceedings. Victims can also apply to the court for a protection order, which could include prohibiting continued publication of the offending communication. The government also inserted into the law a section providing civil remedies for “false statements of fact” published about a person. The affected party can seek a court order requiring that the publication of the falsehood cease unless a notice is inserted setting the record straight. Although the Act was presented in parliament as a means of protecting ordinary citizens, it was quickly wielded by the government as a new instrument against critics (see Prosecutions and Detentions for Online Activities).

## Prosecutions and Detentions for Online Activities

The new Protection from Harassment Act was marshaled by the Ministry of Defense in January 2015 in response to an online article written by an inventor with whom it was involved in a patent dispute. The Attorney General’s Chambers (AGC), acting for the ministry, invoked the law when it wrote to the writer and the website where the article appeared, *The Online Citizen*, to demand that they stop making and publishing “false statements.” Both the writer and the website challenged the government’s demand, arguing that the ministry does not qualify as a victim of harassment, being a large organization with the capacity to defend itself.<sup>48</sup> The case had not been resolved by the end of the coverage period. The anti-harassment law was also used to stop a satirical Facebook page, SMRT Ltd (Feedback),<sup>49</sup> from insulting Wendy Cheng, a blogger who has become a celebrity in her own right. Cheng’s popular Xixue blog has been criticized by more progressive bloggers for its intolerant and reactionary views.<sup>50</sup> She successfully applied for a protection order, stopping the satirical group from making more insulting or abusive comments against Cheng and her family.<sup>51</sup>

A teenaged blogger, Amos Yee, was also charged under the new anti-harassment law over online postings celebrating the death of founding prime minister Lee Kuan Yew. However, prosecutors requested an acquittal on the harassment charge after the court found Yee guilty on two other charges in May 2015.<sup>52</sup> During the week of national mourning, the 16-year-old had posted a video of himself arguing why Lee did not deserve respect. At one point, the expletive-ridden commentary likened the delusions around Lee Kuan Yew to the beliefs of Christians. He was found guilty, under Section 298 of the penal code, of deliberately wounding religious feelings. Responding to a comment by the late British Prime Minister Margaret Thatcher that Lee was usually right, Yee had also posted a

48 Jermyn Chow, “MobileStats and Online Citizen reject legal demands over Mindef claims,” *The Straits Times*, February 10, 2015, <http://bit.ly/1VECd8b>.

49 SMRT Feedback/ The Vigilanteh, Facebook Community Page, <http://on.fb.me/1moPOZm>.

50 Xixue (blog), <http://xixue.blogspot.com/>.

51 “Blogger Xixue obtains Protection Order against SMRT Ltd (Feedback)” *TodayOnline*, February 6, 2015, <http://www.todayonline.com/singapore/blogger-xixue-takes-out-protection-order-against-smrt-ltd-feedback>.

52 Reuters, “Amos Yee pleads not guilty over blog critical of Lee Kuan Yew,” *AsiaOne*, May 7, 2015, <http://bit.ly/1R044c3>.

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manipulated image depicting the two politicians having sex. For this, he was found guilty of obscenity under Section 292. In view of his age, the prosecution proposed probation. Public opinion was sharply divided over this highly publicized case, with many arguing that Yee, as a child, should have just been ignored.<sup>53</sup> Petitions and a public rally were organized in his support.<sup>54</sup> However, the affair also revealed a strong reactionary streak within the Singapore public. Multiple complaints had been made to the police about Yee's video. One man ran up to Yee outside the court and slapped him for insulting Lee Kuan Yew, for which he was sentenced to three weeks in jail.<sup>55</sup>

In February 2015, two administrators behind the anonymously run political site, *The Real Singapore* (TRS), were arrested under the Sedition Act over a report on an annual religious procession. A scuffle had broken out involving devotees who were playing drums.<sup>56</sup> *The Real Singapore* published a report claiming that the complaint about noise had originated from a Filipino family.<sup>57</sup> The widely shared article, which was never substantiated, drew many negative comments against Filipinos.<sup>58</sup> The TRS editors, Yang Kaiheng and Ai Takagi, were charged in April on seven counts of publishing seditious material on the TRS website and Facebook page. They faced a fine of up to SGD 5,000 (US\$3,500) and three years' jail on each charge. The charge sheet said that the offending articles had the "tendency to promote feelings of ill-will and hostility between different groups of people in Singapore", namely, ethnic Indians and Philippine nationals.<sup>59</sup> In May 2015, Yang was allowed to leave Singapore to visit his ailing father in Australia.

The Sedition Act was also leveled at a Filipino nurse working in a Singapore hospital, for Facebook comments that the authorities said could promote feelings of ill will and hostility between Singaporeans and Filipinos in the country.<sup>60</sup> Ello Ed Mundsel Bello allegedly said that he would be "praying that disasters [sic] strike Singapore and more Singaporeans will die than I will celebrate;" and that he would "kick out all Singaporeans" and turn the country into a new "Filipino state."<sup>61</sup> As he initially denied posting the comments, he was also charged with providing false information to investigators. The sedition cases were indicative of the highly charged debates over immigration policy. Singapore has seen a trend of online xenophobia against Filipinos and other expatriates: in May 2014, the Filipino community canceled a planned Philippine Independence Day celebration at a shopping mall after encountering heated online opposition, including threats by Singaporeans to disrupt the event.<sup>62</sup>

In November 2014, an activist blogger, Roy Ngerng, was judged to have defamed Prime Minister Lee Hsien Loong. The case marked the first time that an individual blogger has been sued for defama-

53 Kirsten Han, "COMMENT: What Amos Yee is going through is far bigger than just one boy," *Yahoo!*, April 20, 2015, <http://bit.ly/1R048st>.

54 "Statement on the arrest of Amos Yee," *The Online Citizen*, April 21, 2015, <http://bit.ly/1VFv4z9>; "Rally at Hong Lim Park calls for Amos Yee's release," *Today*, July 5, 2015, <http://bit.ly/1L0pbtK>.

55 Zaihan Mohamed Yusof, "Man jailed three weeks for slapping Amos Yee 'lost control'," *AsiaOne*, May 14, 2015, <http://bit.ly/1jdJ875>.

56 Lim Yi Han and Danson Cheong, "Cops arrest three for scuffle during Thaipusam festival," *AsiaOne*, February 5, 2015, <http://news.asiaone.com/news/singapore/3-nabbed-over-scuffle-cops-during-thaipusam-procession#sthash.hMFwhNHv.dpuf>.

57 "VIDEO: Local Singaporeans complain of Police Brutality at Thaipusam Procession," February 4, 2015, accessed March 15, 2015, <http://bit.ly/1VFvcyq>.

58 "Duo from The Real Singapore arrested under Sedition Act," *The Online Citizen*, February 18, 2015, <http://bit.ly/1OmjeJw>.

59 Kimberly Spykerman, "The Real Singapore duo slapped with 7 charges under Sedition Act," *Channel News Asia*, April 14, 2015, <http://bit.ly/1VEDETS>.

60 Elena Chong, "Former Filipino nurse charged with sedition, giving false info to police," *The Straits Times*, April 7, 2015, <http://bit.ly/1NocHQb>.

61 "Filipinos disgusted by Ello Ed Mundsel Bello's anti-Singaporean Comments," *The New Paper*, January 10, 2015, <http://bit.ly/1Rul6Qs>.

62 "Organisers cancel Philippine Independence Day event: Police," *Today*, May 27, 2014, <http://bit.ly/1OmJ1D7>.

tion by a government leader, and was seen by commentators as evidence of a souring of relations between the ruling party and critical segments of the public.<sup>63</sup> Ngerng's blog, *The Heart Truths*, had regularly accused the government of providing citizens with inadequate returns from the Central Provident Fund (CPF), a national pension scheme built on compulsory contributions from employees and employers.<sup>64</sup> In one blog, he published a graphic illustrating the connections between the CPF Board, the government's investment arms, and the prime minister, comparing this to a second graphic, from a news site, showing the organizational structure of a church whose leaders were in court charged with misappropriating funds. Lee's lawyers said that the blog was thus claiming that the prime minister was guilty of criminal misappropriation of Singaporeans' money.<sup>65</sup> They rejected Ngerng's initial apology and his offer of SGD 5,000 (US\$3,500) in damages, pointing out that Ngerng emailed similar allegations to the media even after apologizing.<sup>66</sup> In January 2015, the High Court ordered him to pay SGD 29,000 (US\$20,700) in costs.<sup>67</sup> As of May 2015, the damages in the civil suit had yet to be assessed.<sup>68</sup>

In early 2015, blogger Alex Au was convicted and fined SGD 8,000 (US\$ 5,700) for scandalizing the judiciary.<sup>69</sup> He is appealing the verdict. His offending 2013 blog had questioned the Supreme Court's handling of a constitutional challenge to Section 377A of the penal code, which criminalizes sodomy. He was found not guilty on a second charge brought by the public prosecutor.

## Surveillance, Privacy, and Anonymity

While many people communicate anonymously online in Singapore, registration is required for some forms of digital interaction. Government-issued identity cards or passports must be produced when buying SIM cards, including prepaid cards, and buyers' details must be electronically recorded by vendors. Registration for the Wireless@SG public Wi-Fi network also requires ID. Website registration requirements, although imposed on only a small number of platforms, have raised concerns about unwarranted official intrusion into their operations. In late 2013, the owner of one site declined to register because the MDA required the names of anyone involved in the "provision, management and/or operation of the website," including volunteers.<sup>70</sup>

Surveillance is "an accepted but hidden fact of life" and "few doubt that the state can get private

63 Howard Lee, "Citizen Statement on Prime Minister Lee's Defamation Action against Mr Roy Ngerng," *The Online Citizen*, May 22, 2014, <http://bit.ly/1OmJ2Hd>; Catherine Lim, "An Open Letter to the Prime Minister," *Catherine Lim* (blog), June 7, 2014, <http://bit.ly/1vZDhV>.

64 Roy Ngerng Yi Ling, "It is Time for You to Inspire and be Our Heroes," *The Heart Truths*, September 15, 2015, <http://thehearttruths.com>.

65 Tham Yuen-C, "Blogger Roy Ngerng asked to remove defamatory post about PM Lee," *The Straits Times*, May 19, 2014, <http://bit.ly/1FXyzY>.

66 Nur Asyiqin Mohamad Salleh, "PM Lee rejects blogger's offer of \$5,000 as damages," *AsiaOnline*, May 27, 2014, <http://bit.ly/1oldmMV>; Nur Asyiqin Mohamad Salleh, "Blogger misled PM Lee, public a second time: Davinder Singh," *The Straits Times*, May 27, 2014, <http://bit.ly/1RumSRE>.

67 "High Court orders Roy Ngerng to pay PM Lee \$29,000 in costs for defamation suit," *The Straits Times*, January 12, 2015, <http://bit.ly/1FXyICk>.

68 Tham Yuen C, "Blogger Roy Ngerng found to have defamed PM Lee," *The Straits Times*, November 7, 2014 <http://www.straitstimes.com/singapore/courts-crime/blogger-roy-ngerng-found-to-have-defamed-pm-lee>.

69 Channel News Asia "Blogger Alex Au fined S\$8,000 for contempt of court," *Lovely Singapore* (blog), March 5, 2015, <http://bit.ly/1Qmmrca>; Alex Au, "AGC versus me, the 2013 round," *Yawning Bread* (blog), November 27, 2013, <http://bit.ly/1QmmiWb>; Kelly Ng, "Blogger Alex Au found guilty of scandalising contempt for S377A post," *Today*, January 22, 2015, <http://bit.ly/1z1B3H5>.

70 Bertha Henson, "Singapore opinion news site Breakfast Network to shut down," *Breakfast Network*, via Yahoo Singapore, December 10, 2013, <https://sg.news.yahoo.com/blogs/singaporescene/kitchen-closed-161623269.html>.

data whenever it wants.”<sup>71</sup> Under the sweeping Computer Misuse and Cybersecurity Act, the minister for home affairs can authorize the collection of information from any computer, including in real time, when satisfied that it is necessary to address any threat to national security.<sup>72</sup> Court permission need not be sought. Failure to comply with such orders is punishable with a fine of up to SGP 50,000 (US\$35,000), a prison term of up to 10 years, or both. Under the Criminal Procedure Code, police officers investigating arrestable offenses may at any time access and search the data of any computer they suspect has been used in connection with the offense.<sup>73</sup> No warrant or special authorization is needed. Penalties for non-compliance can include a fine of up to SGP 5,000 (US\$3,500), six months in prison, or both. With authorization from the public prosecutor, police can also require individuals to hand over decryption codes, failing which they are liable to fines up to SGP 10,000 (US\$7,000), jail terms up to three months, or both.

In 2013, international news reports said information leaked by former U.S. National Security Agency contractor Edward Snowden revealed SingTel had facilitated intelligence agencies’ access to the traffic carried on the major undersea telecommunications cable, SEA-ME-WE-3,<sup>74</sup> but the news did not provoke an outcry among Singaporeans. Members of parliament and other commentators did appeal for more transparency regarding official surveillance efforts. Responding to a parliamentary question, the government said in October 2013 that, as part of the evidence gathering process, law enforcement agencies made around 600 information requests a year to Google, Facebook, and Microsoft between 2010 and 2012. Most were for Computer Misuse and Cybersecurity Act offenses, while the rest were for crimes such as corruption, terrorist threats, gambling, and vice. Although all requests were for metadata, agencies can request content data if required for investigating offenses, the government said.<sup>75</sup> The Personal Data Protection Act enacted in 2012, which came into force in July 2014, exempts public agencies and organizations acting on their behalf.<sup>76</sup>

Singapore has adopted a U.S. Defense Department concept, “Total Information Awareness,” to gather electronic records en masse to look for digital footprints that might provide clues of impending security threats. The idea, which has proven controversial in the United States, has been incorporated into Singapore’s Risk Assessment and Horizon Scanning program. According to one analyst, “Singapore has become a laboratory not only for testing how mass surveillance and big-data analysis might prevent terrorism, but for determining whether technology can be used to engineer a more harmonious society.”<sup>77</sup>

## Intimidation and Violence

There were no violent incidents targeting internet users in the past year, other than the assault on Amos Yee, for which the attacker was jailed (see Prosecutions and Detentions for Online Activities).

71 Terence Lee, “Singapore an advanced surveillance state, but citizens don’t mind,” *Tech In Asia*, November 26, 2013, accessed July 10, 2014, <http://bit.ly/1VeTzCX>.

72 Computer Misuse and Cybersecurity Act (Chapter 50A) Section 15A.

73 Criminal Procedure Code (Chapter 68) Section 39.

74 Phillip Dorling, “Australian spies in global deal to tap undersea cables,” *Sydney Morning Herald*, August 29, 2013, <http://bit.ly/1VEHzjz>; Malay Mail Online, “Top-Secret expose: Singapore helping US spy on Malaysia,” *Yahoo!*, November 25, 2013, accessed July 9, 2014, <http://bit.ly/1j9x9XC>.

75 Parliament of Singapore, “Singapore Government’s Requests to Web Services Companies for User Data,” *Singapore Parliament Reports*, October 21, 2013, <http://bit.ly/1OZ07H7>.

76 Personal Data Protection Commission Singapore, “Personal Data Protection Act Overview,” last modified February 28, 2014, <http://bit.ly/1OZ0iSJ>.

77 Shane Harris, “The Social Laboratory,” *Foreign Policy*, July 29, 2014, <http://atfp.co/1jOKyVI>.



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However, there was one case of intimidation that led to the cancelling of an event. After Filipinos in Singapore publicized through Facebook their plans to organize a Philippine Independence Day celebration at a downtown mall, the news drew strong protests online. The prime minister came out in support of the planned event, which appeared only to increase the volume of xenophobic rhetoric and criticism of Singapore's immigration policies. A week before the event, planned for June 2014, the organizers announced that they were calling it off, following advice from the police about public order and safety concerns at the venue.<sup>78</sup> The authorities' apparent surrender to online intimidation was surprising for a country that prides itself on law and order.

## Technical Attacks

After several high-profile attacks on government and private-sector websites in recent years, as well as growing concern about cybercrime, more attention is being paid to cyber-security.<sup>79</sup> A Cyber Security Agency was established in April 2015 to mitigate attacks and protect critical sectors such as energy, water, and banking.<sup>80</sup>

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78 "Organisers cancel Philippine Independence Day event: Police."

79 Irene Tham, Shielding govt websites in cyber attacks," *AsiaOne*, October 6, 2014, <http://bit.ly/1WNWS6X>.

80 "Cyber Security Agency, IDA maintain high level of vigilance over Govt networks: Yaacob," *Channel News Asia* via *StelNetwork*, May 11, 2015, <https://stelnetwork.wordpress.com/2015/05/12/cyber-security-agency-ida-maintain-high-level-of-vigilance-over-govt-networks-yaacob-channel-newsasia/>.